



# **RICHMOND POLICE DEPARTMENT GENERAL ORDER**

**NOTE:** This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

|                                                                                                                                                                                                                                                                             |             |                                  |                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------------|----------------------------------------------------------------------|
| Chapter<br>7                                                                                                                                                                                                                                                                | Number<br>2 | Effective Date<br>05/29/09       | Review Date<br>2012                                                  |
| Subject<br><b>CASE FILE PREPARATION PROCEDURES</b>                                                                                                                                                                                                                          |             |                                  | <input type="checkbox"/> New Order                                   |
| References<br>CALEA 42.1.3a, 42.1.3b, 42.1.3c, 42.1.3d, 42.1.3e<br>VLEPSC OPR.02.04a, OPR.02.04b, OPR.02.04c, OPR.02.04d, OPR.02.04e, OPR.03.01, OPR.03.02<br>General Order 7-3<br>Commonwealth of Virginia Records Retention and Disposition Schedule, General Schedule 17 |             |                                  | <input checked="" type="checkbox"/> Replaces<br>G.O. 7-2, (01/12/05) |
| <br>_____<br><b>Chief of Police or Designee</b>                                                                                                                                            |             | 05/29/09<br>_____<br><b>Date</b> |                                                                      |

## **I. PURPOSE**

The purpose of this directive is to establish the policy and procedure for the management of the Department's Case File Folders.

## **II. POLICY**

It is the policy of the Richmond Police Department to work very closely and in full cooperation with the *Commonwealth's* Attorney's Office. Both agencies' general purposes are to ensure that justice is served in the criminal justice system. The Department's goal is to have uniformity in the process of creating case file folders. In order to accomplish this goal, the Department shall provide complete, detailed and fully prepared case file folders to assist the *Commonwealth's* Attorney's Office in prosecuting suspects. All reports and other documents that are placed within the case file folders will be organized in a standard format using the guidelines set forth in this *General Order*.

## **III. ACCOUNTABILITY STATEMENT**

*All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.*

## **IV. PROCEDURE**

- A. Case File Folders – Officers and detectives assigned to investigate criminal offenses are responsible for all pertinent documentation and will submit this information to

their respective supervisors in a timely manner. *Assigned detectives shall ensure that each case file contains, at the very minimum, the detective's name and code number assigned to the case, date assigned, case number and follow-up history. Detectives shall also assign an initial screening to each case based upon established criteria and reclassify each case as significant circumstances change.*

Case File Folders shall be prepared *and an electronic and/or hard copy shall be maintained in a secure area by the arresting officer* for the following types of arrests:

1. All felony cases;
2. Narcotics arrests;
3. Domestic assaults;
4. DUI/DUID; and,
5. Project EXILE cases.

B. When completing Case File Folders, the following procedures must be followed:

1. Each officer making or significantly participating in (taking a statement, entering into the chain of evidence, etc.) an arrest that requires a Case File Folder will be required to compile the appropriate reports. These reports will be provided to the *assigned* officer/detective for each arrest. *Personnel shall refer to General Order 7-3, Crime Scene Protection, regarding the guidelines, procedures and responsibilities for handling Crime Scene Integrity Rosters.*
2. The *assigned* officer/detective will be required to compile the Case File Folder.
3. The *assigned* officer/detective must complete the Case File Folder *within four (4) working days of* the date of arrest, unless circumstances justify a delay. A supervisor must authorize the delay.
4. The *assigned* officer/detective will submit all Case File Folders to a supervisor.
5. The supervisor will review the Case File Folder with the officer and sign the *Case File Folder Checklist* (PD-136). The supervisor will make one copy of the PD-136 and include it with the original PD-136 in the Case File Folder.
6. Where applicable, the supervisor will enter the Case File Folder into the Case File Folder Log Book (see section *F* below).
7. Case File Folders shall be maintained in a secure location *with due regard for confidentiality of the information contained therein. Only the assigned officer, assigned detective, immediate supervisor or other personnel having a legitimate need to review a case file shall have access to the contents of case file folders. In addition, records or reports relating to active vice, drug and organized crime investigations shall be maintained in a secure location separate from the central records system.*

- C. All Case File Folders EXCEPT FOR NARCOTICS ARRESTS shall contain the following information:

***NOTE: Commonwealth's Attorneys have access to PISTOL Records and therefore, it is not necessary to include a copy of the Incident Based Report (IBR) and Arrest Record (CCRE) in Case File Folders.***

1. The original PD-136 and one copy; (Both shall be signed by the supervisor reviewing the file. After the ***Commonwealth's*** Attorney's Office representative has signed and initialed behind each box checked on the PD-136, the original shall remain with the file and the copy returned to the ***assigned*** officer).
2. The Felony Arrest Synopsis (PD-66);
3. A copy of the Request for Witness Subpoena Form;
4. A copy of the Property Voucher;
5. A copy of the Request for Laboratory Examination (RFLE);
6. A copy of the Court Conflict Dates & Witnesses Form (PD-67);
7. A copy of the Request for NCIC-VCIN or VCIN Only Entry (PD-126); and,
8. Any other necessary information. (*i.e. photos, audio/visual evidence, etc.*)

- D. The Narcotic Arrest Case File Folder shall contain the following information:

***NOTE: Commonwealth's Attorneys have access to PISTOL Records and therefore, it is not necessary to include a copy of the Incident Based Report (IBR) and Arrest Record (CCRE) in Case File Folders.***

1. The original PD-136 and one copy; (Both shall be signed by the supervisor reviewing the file. After the ***Commonwealth's*** Attorney's Office representative has signed and initialed behind each box checked on the PD-136, the original shall remain with the file and the copy returned to the ***assigned*** officer).
2. The Felony Arrest Synopsis (PD-66);
3. The Property Seizure Report Form for asset forfeiture (PD-30);
4. One copy of the arrest warrant;
5. Rights Waiver Form (PD-75);
6. Property Voucher;
7. Request for Laboratory Examination (RFLE);
8. Two copies of the Drug Analysis report;
9. Search warrant with attached affidavit;

10. Itemized recovery list of seized items;
11. Court Conflict Dates & Witnesses Form (PD-67); and,
12. Any other related information.

E. Delivery of Case File Folders:

1. All Case File Folders resulting from both criminal arrest and direct indictments for the types of cases listed in Section IV.A. shall be hand delivered to the ***Commonwealth's*** Attorney's Office within five (5) working days of the arrest.

NOTE: For any case warranting consideration for adoption by the Drug Enforcement Administration (DEA) for federal prosecution, in addition to the requirements in Sec. E.1. above, officers shall ***contact assigned personnel of SID*** within five (5) working days for review. This does not pertain to Project EXILE cases. ***For Project EXILE procedures, see Sec. G below.***

2. Case File Folders will be delivered to the ***Commonwealth's*** Attorney's Offices in the following locations:
  - a) Cases South of the James River will be taken to the Manchester Courthouse ***located at 905 Decatur Street;***
  - b) Cases North of the James River will be taken to the John Marshall Courts Building ***located at 400 N. 9<sup>th</sup> Street; and,***
  - c) Juvenile cases will be taken to the Oliver Hill ***Courts Building located at 1600 Oliver Hill Way.***
3. All Case File Folders INCLUDING PROJECT EXILE cases shall be delivered to the ***Commonwealth's*** Attorney's Offices as follows:
  - a) **Major Crimes Division and Special Investigative Division (SID):** Each detective shall be responsible for completing and hand delivering ***his/her*** own Case File Folders. Each detective shall also be responsible for obtaining a ***Commonwealth's*** Attorney's Office representative's initials beside each box checked and signature on both copies of the PD-136;
  - b) **Special Events Division (SED):** The ***lieutenant or designee*** shall hand carry and be responsible for obtaining a ***Commonwealth's*** Attorney's Office representative's signature and initials behind each box checked on the two (2) copies of the PD-136. He/she shall also obtain the ***Commonwealth's*** Attorney's Office representative's signature on the Case File Folder Log (***PD-63***);

- c) ***Operations, Area I & II (including Property Crimes Detectives):*** A day-time supervisor designated by the Executive Officer shall hand carry the ***Felony*** Case File Folders to the ***Commonwealth's*** Attorney's Office. The ***designated supervisor*** shall be responsible for obtaining a ***Commonwealth's*** Attorney's Office representative's initials beside each box checked and signature on both copies of the PD-136. He/she shall also obtain the ***Commonwealth's*** Attorney's Office representative's signature on the PD-63. ***The Focus Mission Team (FMT) shall turn in their Felony Case File Folders on a daily basis to the designated location within the precinct out of which they operate.***

F. The Case File Folder Log (PD-63):

1. ***Operations, Area I & II and SED supervisors:*** The supervisor will record the Case File Folder in the PD-63.
2. It is the responsibility of each ***supervisor of Operations, Area I & II and SED*** to ensure that his/her individual site has a Log available for inspection and review utilizing the PD-63.
3. The Supervisor shall indicate in the appropriate column on the PD-63 when the file is an EXILE case.
4. The following locations must maintain Case File Folder Logs:
  - a) All Precincts; and,
  - b) ***SED.***
5. The Case File Folder Log Book will document the following information:
  - a) The name of the defendant being charged;
  - b) Indicate if ***it*** is an EXILE case;
  - c) The date of the offense/arrest;
  - d) The officer's name;
  - e) The name of the supervisor reviewing the folder and entering the information on the log;
  - f) The date the case file was entered in the log book;
  - g) The name of the Precinct's Executive Officer ***or designee*** delivering the case file to the ***Commonwealth's*** Attorney's Office;
  - h) The signature of the ***Commonwealth's*** Attorney's Office representative who signed for the case file folder; and,

- i) The date it was delivered to the *Commonwealth's* Attorney's Office representative.
- 6. ***The officer shall be held accountable for completing and submitting the Case File Folder to his/her supervisor. The officer's supervisor shall be held accountable for checking the Case File Folder for completion and logging it in.***
- 7. On a daily basis, the Precinct's Executive Officer *or designee* will:
  - a) Check the Case File Folder Log;
  - b) Hand-carry Case File Folder(s) to the *Commonwealth's* Attorney's Office;
  - c) Obtain from the *Commonwealth's* Attorney's Office representative a signature on the PD-63 Log. Also, obtain from the *Commonwealth's* Attorney's Office representative a signature in the appropriate section and initials behind each box checked on both copies of the PD-136; and,
  - d) Return one signed copy of the PD-136 to the *assigned* officer.
- 8. The logs and PD-136's are subject to audit and staff inspections and should be routinely reviewed by supervisors.

**G. Project EXILE Cases:**

- 1. If a subject is ***arrested and*** charged with a violation that falls under Project EXILE, the officer shall immediately call the EXILE pager/voicemail. The telephone number for the EXILE pager/voicemail is (804) 783-4693. If there are any questions regarding the arrest, the pager can be used as a digital pager. The voicemail feature will be used to provide a brief synopsis of the arrest. This synopsis will be used at the arraignment the following day in determining bond for the defendant.
- 2. Supervisors shall indicate in the appropriate column on the PD-63 when the file is an EXILE case.
- 3. EXILE cases shall be logged, maintained and delivered in the same manner as other Case File Folders being sent to the *Commonwealth's* Attorney's Office.
- 4. Officers completing an EXILE Case Folder shall also include an EXILE ARREST SYNOPSIS form located on the Department's Server.

**H. Retention and Purging of Case File Folders:**

- 1. All Case File Folders and all information prepared by officers and detectives in furtherance of their official duties are the property of the Richmond Police Department.
- 2. ***Pursuant to the Commonwealth of Virginia Records Retention and Disposition Schedule, General Schedule 17 (Law Enforcement Records) –***

*Case Investigation Files are to be retained for 5 years after the close of an investigation.*

3. Officers shall not purge any file before all possible criminal appeals have been adjudicated.
4. Officers shall not take any case file folders with them when they separate from the Department. Case File Folders shall be submitted to the officer's immediate supervisor.
5. *Officers shall purge NCIC/VCIN inquiries and criminal histories from case file folders prior to retaining any case file folders.*

V. **ROLES AND ACCOUNTABILITY**

A. *Assigned Officers/Property Crimes Detectives/FMT shall:*

1. *Compile Case File Folders with all appropriate supportive documents and PD forms;*  
  
*NOTE: Each officer making or significantly participating in an arrest that requires a Case File Folder, shall compile and submit the completed reports to the assigned officer/detective.*
2. *Complete Case File Folders within four (4) working days of the date of arrest, unless circumstances justify a delay. In cases where submission is delayed, the assigned officer/detective shall notify and receive permission from his/her supervisor;*
3. *Refer to General Order 7-3, Crime Scene Protection, regarding the guidelines, procedures and responsibilities for handling Crime Scene Integrity Rosters;*
4. *Submit all Case File Folders to his/her supervisor or designated location within the precinct in a timely manner;*
5. *Maintain a copy of all completed and submitted Case File Folders;*
6. *Hand deliver all Case File Folders to the Commonwealth's Attorney's Office within five (5) working days;*
7. *Obtain Commonwealth's Attorney's Office Representative's initials beside each box checked and signature on both copies of the PD-136;*
8. *Retain and purge case investigation files according to guidelines outlined in the Commonwealth of Virginia Records Retention and Disposition Schedule, General Schedule 17 (Law Enforcement Records);*
9. *Not purge any file before all possible criminal appeals have been adjudicated;*
10. *Submit case file folders to his/her immediate supervisor upon separation from the Department;*

11. *Purge NCIC/VCIN inquires and criminal histories from case file folders prior to retaining any case file folders; and,*
12. *Contact assigned personnel of SID within five (5) working days for any case warranting consideration for adoption by the DEA for federal prosecution.*

**B. *Assigned Detectives to Case Files shall:***

1. *Ensure that each case file contains, at the very minimum, the detective's name and code number assigned to the case, date assigned, case number and follow-up history; and,*
2. *Assign an initial screening to each case based upon established criteria and reclassify each case as significant circumstances change.*

**C. *Supervisors shall:***

1. *Review completed Case File Folders with assigned officers/detectives and sign the PD-136;*
2. *Authorize receipt of delayed Case File Folders;*
3. *Make one copy of the PD-136 and include it with each of the original PD-136 in the Case File Folders;*
4. *Enter Case File Folders into the PD-63, where applicable;*
5. *Identify Case File Folders that meet qualifications for Project EXILE and indicate in the appropriate column on the PD-63;*
6. *Maintain Case File Folders in secure locations with due regard for confidentiality of the information contained therein; and,*
7. *Routinely review and maintain Case File Folder Logs for inspections.*

**D. *SID shall:***

*Review all Narcotic Arrest Case File Folders warranting consideration for adoption by DEA for federal prosecution.*

**E. *Major Crimes Division and SID Detectives shall:***

1. *Complete and hand deliver his/her own Case File Folders; and,*
2. *Obtain a Commonwealth's Attorney's Office representative's initials beside each box checked and signature on both copies of the PD-136.*

**F. *Lieutenant of Special Events Division (SED) or designee shall:***

1. *Enter Case File Folders into the PD-63;*
2. *Routinely review and maintain Case File Folder Logs for inspections;*



3. *Identify Case File Folders that meet qualifications for Project EXILE and indicate in the appropriate column on the PD-63;*
4. *Hand deliver all Case File Folders to the Commonwealth's Attorney's Office; and,*
5. *Obtain Commonwealth's Attorney's Office Representative's initials beside each box checked and signature on two (2) copies of the PD-136 and PD-63.*

*NOTE: All other personnel of Specialized Units and Services will be responsible for delivering their own Case File Folders to the Commonwealth's Attorney's Office and obtaining Commonwealth's Attorney's Office Representative's initials beside each box checked and signature on both copies of the PD-136.*

G. *Precinct Executive Officers or designee shall:*

1. *Designate day-time supervisors that will hand deliver Felony Case File Folders to the Commonwealth's Attorney's Office; and,*
2. *Check the Case File Folder log on a daily basis.*

H. *Designated day-time supervisors shall:*

1. *Hand-carry Felony Case File Folder(s) to the Commonwealth's Attorney's Office on a daily basis;*
2. *Obtain Commonwealth's Attorney's Office Representative's initials beside each box checked and signature on two (2) copies of the PD-136 and PD-63; and,*
3. *Return the signed copy of the PD-136 to the assigned officer.*

VI. **FORMS**

- A. *Copy of search warrants with affidavit*
- B. *Property Voucher*
- C. *Request for Laboratory Examination (RFLE)*
- D. *PD-30, Property Seizure Report Form for asset forfeiture*
- E. *PD-63, Case File Folder Log*
- F. *PD-66, Felony Arrest Synopsis*
- G. *PD-67, Court Conflict Dates and Witnesses Form*
- H. *PD-75, Rights Waiver Form*
- I. *PD-126, Request for NCIC-VCIN or VCIN Only Entry*

J. *PD-136, Case File Folder Checklist*

K. *EXILE arrest synopsis*